

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY C. RIEBE

Appeal No. 1998-1263
Application No. 08/351,993

ORDER REMANDING TO EXAMINER

Applicant filed on February 18, 1997, an Amendment, Amendment C (Paper No. 10). An Advisory Action entered on March 17, 1997 (Paper No. 13) indicates that Amendment C was to be physically entered into the record. The changes to the Specification, however, which appear in Amendment C have not been physically entered.

Appeal No. 1998-1263
Application 08/351,993

Additionally, claim 8 in the original claims refers to a "second" rigid disk. In contrast, claim 8 in Amendment B filed on July 26, 1996 (Paper No. 6), refers to a "first" rigid disk. Thereafter, claim 8 in the Appendix to the Appeal Brief which was filed on October 9, 2001 (Paper No. 27), refers to a "second" rigid disk. Thus, it is unclear whether the applicant in claim 8 is trying to refer to a "first" or "second" rigid disk.

Accordingly, it is

ORDERED that the application is remanded to the examiner for proper and complete physical entry of the changes contained in the Amendment filed on February 18, 1997, for clarification of the language of claim 8, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the

Appeal No. 1998-1263
Application 08/351,993

status of the appeal (i.e., abandonment, issue, reopening
prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
CRAIG R. FEINBERG
Program and Resource Administrator

Mary A. Tucker, Esq.
The B. F. Goodrich Company
Patent Law Department
9921 Brecksville Road
Brecksville, OH 44141-3289

CRF:llf

